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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,902	05/14/2001	Stefan Wieland	33766W030	6174

7590

02/09/2005

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EXAMINER

LANGEL, WAYNE A

ART UNIT

PAPER NUMBER

1754

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,902

Applicant(s)

WIELAND ET AL.

Examiner

Wayne Langel

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1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/64150 (Fukunaga et al) in view of Klein et al, further in view of McShea et al, III et al (newly cited) or Hwang et al '894 (newly cited) or Kobylinski (newly cited). It would be obvious from Klein et al to employ a catalyst in the process of Fukunaga et al in which the ruthenium is coated on the alumina carrier. It would be further obvious from Kobylinski or Hwang et al '894 or McShea, III et al to preheat the reactants in the process of Fukunaga et al. Applicant's argument, that while Fukunaga et al suggest the use of cationic salts of a platinum group metal, Klein et al suggest the use of anionic salts of a platinum group metal, is not convincing, since Klein et al teach at col. 13, line 62 and col. 14 lines 15 and 35 that the salt is a cationic salt of a platinum group metal, with a specific disclosure of platinum chloride at col. 13, lines 9 and 10. Applicant's argument, that Klein et al do not disclose a customary method applicable to the manufacture of any precious metal catalysts, but instead discloses a unique method that is specifically tailored to automotive applications, is not convincing, since Klein et al teach at col. 1, lines 11 and 12 that the invention provides catalysts which are used in many areas of chemical engineering. The autothermal catalytic steam reforming of hydrocarbons would obviously be an area of chemical engineering. Applicant's argument, that Fukunaga et al do not disclose the steps of (i) preheating a reactant

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mixture of hydrocarbons, oxygen and water or water vapor to a preheating temperature; and (ii) passing the preheated reactant mixture over a catalyst adiabatically, is not convincing, since Kobylinski, Hwang et al '894 and McShea, III et al all disclose preheating the reactants to an adiabatic reformer. (See col. 19, lines 58-64 and col. 20, lines 29-32 of Hwang et al '894; col. 8, lines 60-68 of Kobylinski; and col. 14, lines 4-9 of McShea, III et al.) It would be further obvious from McShea, III et al or Kobylinski or Hwang et al '894 to further modify the process of Fukunaga et al with the conventional expedient of preheating the reactants.

Heck et al is made of record for disclosing preheating the reactants to an adiabatic reactor at col. 12, lines 48-52.

Any inquiry concerning this communication should be directed to Wayne Langel at telephone number 571-272-1353.

A handwritten signature in black ink, reading "Wayne D. Langel". The signature is written in a cursive, flowing style with a large, prominent "W" and "L".

Wayne Langel
Primary Examiner
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